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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,841	10/23/2003	Mohammed Samji	003797.01275	6685
28319 7590 05/18/2007 BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER LY, ANH	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,841

Applicant(s)

SAMJI ET AL.

Examiner

Anh Ly

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/25/2006 (1 sheet)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to Applicants' Appeal Brief filed on 02/28/2007.

Reopening of Prosecution after Appeal Brief

2. In view of the Appeal Brief or Reply Brief filed on 01/05/2007, PROSECUTION IS HEREBY REOPENED. A new Ground rejection set forth below.

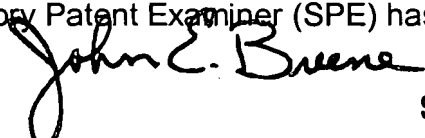
To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37.

The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

3. Claims 1-55 are pending in this application.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-55 are rejected under 35 U.S.C. 101 because the bodies of claims 1, 10, 17, 24, 31 and 36 in view of MPEP 2106 (IV)(C)(2)((1) & (2) & (a) & (b) & (c)) sections are non statutory because they are **lacking of real world useful result**. They are missing the steps or processes producing any useful result to the invention, of having a utility to convey the final result achieved by the claimed invention, that is, they are not producing a result tied to the real/physical world or this application is not a practical application. That is, these claims are missing "**utility requirement**" of 35 U.S.C. 101 (the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible (MPEP 2107.01), these claims must show that the claimed invention is "useful" for some purpose either explicitly or implicitly. That is, these independent claims do not have a readily apparent well-established utility and particular benefit to the public or to the user(s). (Fisher, 421, F.3d 1356, 76 USPQ2d at 1230 and 1225 (Fed. Cir. 2005). Thus, requiring the applicant to distinguish the claim from the three 35 U.S.C. 101 judicial exceptions (Laws of Nature, Natural Phenomena and Abstract Ideas) (MPEP 2106 IV C) to patentable subject matter by specifically reciting in the claim the practical application. A claim that can be read so broadly as to include statutory and nonstatutory subject matter must be amended to limit the claim to a practical application. In other words, if the specification discloses a practical application of a section 101 judicial exceptions, but the claim is broader than the disclosure such that it does not require a

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practical application, then the claim must be rejected. That is, it require that the claim must recite more than 101 judicial exception, in that the process claim must set forth a practical application of that judicial exception to produce a real-world result (Benson, 409 U.S. at 71-72, 175 USPQ at 676-77) and the process must have a result that can be substantially produce the same result again and must achieve the required status of having real world value or to be realized as "useful result". (In re Swartz, 232 F3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000)).

6. More specifically, the bodies of the independent claims related to executing, creating receiving and sharing the list with a sharee. Nowhere in these claims are having a useful result from file-sharing system environment of these claimed invention or to the user(s). Thus, These produced result remain in the abstract and, thus, fails to achieve the required status of having real world value or to be realized as "useful result".

7. Claims 17 and 31 are having bodies of claims a series of codes or instructions - software per se, which is non-statutory. Also, the computer-readable media storing the computer executable instruction (that is a non-functional descriptive material) is not positively executed by a physical object to implement or perform the step of the body of claims (the claims are lacking/ missing the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101). They fail to fall within a statutory category (statutory categories: Process, Machine, Manufacture and Composition of Matter).

Response to Arguments

8. Applicant's arguments, see Appeal Brief (page 6), filed on 02/28/2007, with respect to the rejection(s) of claim(s) 1, 10, 17, 24, 31 and 36 under "based on the result of said query" have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pub. No.: US 2003/0028610 A1 of Pearson.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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11. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2004/0148434 A1 of Matsubara in view of Pub. No.: US 2003/0028610 A1 of PEARSON.

With respect to claim 1, Matsubara teaches a method for sharing items in a computer system between a sharer and a sharee (a P2P Gnutella technique is a file sharing technique for allowing the user (sharer) to find another users' shared files (sharee): section 0030 also see section 0006) comprising:

executing on the share's computer a query (a P2P user can search/query/find/locate another peer user's shared file on the network: sections 0030 and 0055; also sections 0006-0007 & 0009); and

creating on the sharer's computer a list with a plurality of referenced items (figs. 2A-2C; constructing a "hybrid" P2P virtual directory containing a plurality of shared files to be shared over the network: sections 0072, 0042; also section 0008); and

sharing the list with a sharee such that the sharee is provided with access to the referenced items (in the P2P networking technique, the user can obtain a list of peers of other machines including the location and name of files to be shared in order to access the shared files: sections: 0052-0053 and 0007-0008).

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups

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of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach a query comprising a scope and criteria and a list with a plurality of referenced items based on the results of said query.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access restrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 2, Matsubara teaches wherein the list is a static list (virtual directory: figs. 2A-2C, sections 0042).

With respect to claims 3-4, Matsubara teaches a method for sharing items in a computer as discussed in claim 1.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach removes items from the list and items are added to the list.

However, PEARSON teaches removing file from the shared list (see figs. 18-19, sections 0052 and 0056) and a file is added to the list (sections 0057 and 0058; figs. 25 and 26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

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With respect to claims 5-7, Matsubara teaches a method for sharing items in a computer as discussed in claim 1.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach a dynamic list, criteria of the dynamic list and meets the criteria of the dynamic list.

However, PEARSON teaches locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (sections 0031-0033; also see fig. 31 and 36; sections 0059 and 0064).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of

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sharing files, such as to enforce copyright rights and other access restrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claims 8-9, Matsubara teaches a method for sharing items in a computer as discussed in claim 1. Also, Matsubara teaches the access type in Access control list (sections 0052, 0065 and 0067).

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach wherein when the sharer is unable to grant access to the sharee for an item, a notification is provided to the sharer; and wherein the sharer is able to limit the type of access that the sharee has to the items.

However, PEARSON teaches user would receive a notice or notification as no file meeting the search query (section 0034) and keeping track of whether sharing of particular files is permitted or restricted (see fig. 7 and sections 0044-0045 and abstract and sections 0005-0006).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it

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motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005)..

With respect to claim 10, Matsubara teaches a method for sharing items on a computer system (a P2P Gnutella technique is a file sharing technique for allowing the user to find another users' shared files: section 0030 also see section 0006) comprising:

receiving permission to access a list with referenced items (access control list giving the permission to access to the file and list or peers: sections 0052-0053); and

in response to receiving the permission to access the list, accessing the list and the referenced items (receiving the permission to access the file in the folders including a plurality of items such as shared files: figs. 2A-2C; sections 0044 and 0072).

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the

shared files. Matsubara does not clearly teach a query comprising a scope and criteria and a list with a plurality of referenced items based on the results of said query.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 11, Matsubara teaches wherein the list is a static list that formed as virtual folder (virtual directory: figs. 2A-2C, sections 0042).

With respect to claims 12 and 14, Matsubara teaches a method for sharing items in a computer as discussed in claim 10.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of

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referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach the permission to access the item is correspondingly added or removed. .

However, PEARSON teaches removing file from the shared list (see figs. 7 and 18-19, sections 0044, 0052 and 0056) and a file is added to the list (sections 0057 and 0058; figs. 25 and 26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 13, Matsubara teaches a method for sharing items in a computer as discussed in claim 10.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach where the list is dynamic list that is formed as a virtual folder with a set of criteria for referenced items.

However, PEARSON teaches locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (sections 0031-0033; also see fig. 31 and 36; sections 0059 and 0064).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 15-16, Matsubara teaches a method for sharing items in a computer as discussed in claim 10. Also, Matsubara teaches the access type in Access control list (sections 0052, 0065 and 0067).

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach wherein when the sharer is unable to grant access to the sharee for an item, a notification is provided to the sharer; and wherein the sharer is able to limit the type of access that the sharee has to the items.

However, PEARSON teaches user would receive a notice or notification as no file meeting the search query (section 0034) and keeping track of whether sharing of particular files is permitted or restricted (see fig. 7 and sections 0044-0045 and abstract and sections 0005-0006 and fig. 2, section 0023 read-only).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of

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Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

Claim 17 is essentially the same as claim 10 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 18 is essentially the same as claim 11 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 11 hereinabove.

Claim 19 is essentially the same as claim 12 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 12 hereinabove.

Claim 20 is essentially the same as claim 13 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 13 hereinabove.

Claim 21 is essentially the same as claim 14 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 14 hereinabove.

Claim 22 is essentially the same as claim 15 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 15 hereinabove.

Claim 23 is essentially the same as claim 16 except that it is directed to a computer readable medium (type of access: Matsubara's sections 0052, 0064 and 0067) rather than a method, and is rejected for the same reason as applied to the claim 16 hereinabove.

With respect to claim 24, Matsubara teaches a method of communicating between a sharer of a list and a sharee (a P2P Gnutella network is a communications model in which each party has the same capability and any party can initiate a communication session; also it is a file sharing technique for allowing the user (sharer) to find another users' shared files (sharee): section 0030 also see sections 0005-0007) comprising:

receiving from the sharee issues-a call for accessing on a computer of the sharer items that are referenced on the list, wherein the list is stored on the sharer's computer (figs. 1 and 3; on the P2P network, each user can initiate a communication session with another party: sections 0005-0007, 0029-30 and 0047-0049); and

responsive to authorization received from the sharer providing the sharee access to the items (P2P file sharing system, a software or browser is installed for performing searches of the file properties, such as file name, file type, file size and files can be downloaded directory from one computer to another computer, for selecting files; also, in the P2P networking technique, the user can obtain a list of peers of other machines including the location and name of files to be shared in order to access the shared files and via ACL having access rights to the shared files: sections: 0052-0053 and 0007-0008).

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach a query comprising a scope and criteria and a list with a plurality of referenced items based on the results of said query.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of

sharing files, such as to enforce copyright rights and other access restrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 25, Matsubara teaches wherein the list is a static list (virtual directory: figs. 2A-2C, sections 0042).

With respect to claims 26 and 28, Matsubara teaches a method for sharing items in a computer as discussed in claim 24.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach the permission to access the item is correspondingly added or removed; allowed or denied.

However, PEARSON teaches removing file from the shared list (see figs. 7 and 18-19, sections 0044, 0052 and 0056) and a file is added to the list (sections 0057 and 0058; figs. 25 and 26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of

query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access restrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 27, Matsubara teaches a method for sharing items in a computer as discussed in claim 24.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach where the list is dynamic list that is formed as a virtual folder with a set of criteria for referenced items.

However, PEARSON teaches locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (sections 0031-0033; also see fig. 31 and 36; sections 0059 and 0064).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it

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motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 29-30, Matsubara teaches a method for sharing items in a computer as discussed in claim 24. Also, Matsubara teaches the access type in Access control list (sections 0052, 0065 and 0067).

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach wherein when the sharer is unable to grant access to the sharee for an item, a notification is provided to the sharer; and wherein the sharer is able to limit the type of access that the sharee has to the items.

However, PEARSON teaches user would receive a notice or notification as no file meeting the search query (section 0034) and keeping track of whether sharing of

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particular files is permitted or restricted (see fig. 7 and sections 0044-0045 and abstract and sections 0005-0006 and fig. 2, section 0023 read-only).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

Claim 31 is essentially the same as claim 24 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 24 hereinabove.

Claim 32 is essentially the same as claims 25 and 27 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claims 25 and 27 hereinabove.

Claim 33 is essentially the same as claims 26 and 28 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claims 26 and 28 hereinabove.

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Claim 34 is essentially the same as claim 29 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 29 hereinabove.

Claim 35 is essentially the same as claim 30 except that it is directed to a computer readable media (Matsubara: type of access: sections 0052, 0064 and 0067) rather than a method, and is rejected for the same reason as applied to the claim 30 hereinabove.

With respect to claim 36, Matsubara teaches a method for sharing items in a computer system between a sharer and a sharee (a P2P Gnutella technique is a file sharing technique for allowing the user (sharer) to find another users' shared files (sharee): section 0030 also see section 0006) comprising:

executing on the share's computer a query (a P2P user can search/query/find/locate another peer user's shared file on the network: sections 0030 and 0055; also sections 0006-0007 & 0009); and

creating on the sharer's computer a list with a plurality of referenced items (figs. 2A-2C; constructing a "hybrid" P2P virtual directory containing a plurality of shared files to be shared over the network: sections 0072, 0042; also section 0008); and

sharing the virtual folder with a sharee such that the sharee is provided with access to the referenced items from the sharer's computer (in the P2P networking technique, the user can obtain a list of peers of other machines including the location and name of files to be shared in order to access the shared files: sections: 0052-0053 and 0007-0008).

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach a query comprising a scope and criteria and a list with a plurality of referenced items based on the results of said query.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of

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sharing files, such as to enforce copyright rights and other access restrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 37, Matsubara teaches wherein the virtual folder is a static list (virtual directory: figs. 2A-2C, sections 0042).

With respect to claims 38-39, Matsubara teaches a method for sharing items in a computer as discussed in claim 36.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items; access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete...can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach removes items from the list and items are added to the list.

However, PEARSON teaches removing file from the shared list (see figs. 18-19, sections 0052 and 0056) and a file is added to the list (sections 0057 and 0058; figs. 25 and 26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of

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query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claims 40-42, Matsubara teaches a method for sharing items in a computer as discussed in claim 36.

Matsubara teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete... can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Matsubara does not clearly teach a dynamic list, criteria of the dynamic list and meets the criteria of the dynamic list.

However, PEARSON teaches locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (sections 0031-0033; also see fig. 31 and 36; sections 0059 and 0064).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Matsubara with the teachings of PEARSON. One having ordinary skill in the art would have found it

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motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of Matsubara for the purpose of using in sharing files on a P2P basis among computers on a computer network, thereby, enabling user to track of shared files and authorization of sharing files, such as to enforce copyright rights and other access retrictions that may be imposed on the sharing of data files (PEARSON's sections 0001 and 0005).

With respect to claim 43, Matsubara teaches defining within the list an order of the plurality of referenced items (fig. 2A-2C, sections 0042-0047).

With respect to claim 44, Matsubara teaches defining within the list an annotation corresponding to at least one of the plurality of referenced items (fig. 2A-2C, sections 0042-0047).

With respect to claim 45, Matsubara teaches wherein the list comprises a predefined order of the referenced items (fig. 2A-2C, sections 0042-0047).

With respect to claim 46, Matsubara teaches wherein the list comprises an annotation corresponding to at least one of the referenced items (fig. 2A-2C, sections 0042-0047).

Claim 47 is essentially the same as claim 43 except that it is directed to a computer readable medium rather than a method, and is rejected for the same reason as applied to the claim 43 hereinabove.

Claim 48 is essentially the same as claim 44 except that it is directed to a computer readable medium rather than a method, and is rejected for the same reason as applied to the claim 44 hereinabove.

With respect to claim 49, Matsubara teaches wherein the sharee is provided with remote access to the referenced items from another computer (sections 0006-0008)

With respect to claim 50, Matsubara teaches wherein accessing the list and the referenced items is performed remotely from another computer (sections 0006-0008).

With respect to claim 51, Matsubara teaches wherein the request to provide access comprises a request to provide remote access from another computer (sections 0006-0008).

With respect to claim 52, Matsubara teaches, wherein providing the sharee access to the items comprises providing the sharee remote access to the items (sections 0006-0008).

With respect to claim 53, Matsubara teaches wherein the receiving step comprises receiving the call via an API (P2P based interface: sections 0037 and 0051).

With respect to claim 54, Matsubara teaches wherein the set of computer-usable instructions allow the sharee to remotely access the items (sections 0006-0008).

With respect to claim 55, Matsubara teaches wherein in the sharing step the sharee is provided with remote access to the referenced items (sections 0006-0008).


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Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH LY, whose telephone number is (571) 272-4039 or via e-mail: ANH.LY@USPTO.GOV (written authorization being given by Applicant(s) - **MPEP 502.03 [R-2]**) or fax to (571) 273-4039 (examiner's personal fax number).

The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Breene**, can be reached on (571) 272-4107.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: **Central Fax Center: (571) 273-8300**

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MAY 1st, 2007


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